

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TIFFANY GORE, AN INDIVIDUAL,

Plaintiff,

v.

PAUL ZACHARIE LAMOREAUX, AN
INDIVIDUAL, WHEATON VAN LINES,
INC., AN INDIANA CORPORATION, DBA
WHEATON WORLD WIDE MOVING, AND
BRED A MOVING COMPANY, INC.,

Defendants.

CIVIL ACTION FILE
NUMBER

DEFENDANTS' NOTICE OF REMOVAL

1.

Plaintiff, Tiffany Gore, filed civil action file number 22A03975 in the State Court of DeKalb County, State of Georgia, against Paul Zacharie Lamoreaux, Wheaton Van Lines, Inc., and Breda Moving Company, Inc. October 13, 2022. A copy of the Summons and Complaint and First Amended Complaint for Damages is attached as Exhibit "A." Lamoreaux, Wheaton, and Breda's Answer are attached as Exhibits "B".

2.

Upon information and belief, at the time of filing the Complaint, Plaintiff was a citizen and a resident of the State of Georgia. (First Amended Complaint, ¶ 1; Answer, ¶ 1)

3.

At the time of the filing the Complaint, Defendant Lamoreaux was a citizen and resident of the state of Illinois. (First Amended Complaint, ¶ 2; Answer, ¶ 2)

4.

At the time of the filing of the Complaint, Defendant Wheaton was an Indiana corporation with its principal place of business located in the state of Indiana. (First Amended Complaint, ¶ 3; Answer, ¶ 3; Indiana Secretary of State, Ex. "C")

5.

At the time of the filing the Complaint, Defendant Breda was an Illinois corporation with its principal place of business located in the state of Illinois. (First Amended Complaint, ¶ 4; Answer, ¶ 4; Illinois Secretary of State, Ex. "D")

6.

The foregoing action is properly removable to this Court pursuant to 28 U.S.C. § 1441(a), 28 U.S.C. § 1446(a) and (b). In accordance with 28 U.S.C. § 1332(a), there exists diversity of citizenship between the Plaintiff and the Defendants and the amount in controversy, exclusive of interest and cost, exceeds the sum of \$75,000.

7.

To support their contention of the amount in controversy Defendants show that Plaintiff alleges approximately \$58,000 in past medical bills and will incur future medical expenses for ongoing treatment.

8.

Plaintiff's First Amended Complaint also alleges she "suffered past and future lost wages." (First Amended Complaint, ¶ 40) If true and even assuming Plaintiff worked full time earning minimum wage (\$7.25), Plaintiff's claimed lost earnings from the date of accident to the present would total over \$17,000 bringing the total amount in controversy over the jurisdictional requirement.

9.

Plaintiff's First Amended Complaint also alleges "physical and emotional pain and suffering" (First Amended Complaint, ¶ 38) as well as punitive damages (First Amended Complaint, Count 6).

10.

All Defendants consent to the removal of this case.

11.

Defendants Lamoreaux, Wheaton, and Breda notify the Court, the Clerk, and all parties within thirty days after receipt of

the Complaint filed in the State Court of DeKalb County that they removed this civil action to this Court pursuant to 28 U.S.C. § 1446 and Fed. R. Civ. P. 11.

DENNIS, CORRY, SMITH & DIXON, LLP

/s/ *Jonathan R. Gibson*

JOHN D. DIXON

Georgia bar number 223376

JONATHAN R. GIBSON

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CERTIFICATE OF SERVICE

I electronically filed **NOTICE OF REMOVAL** with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

Mohamad Ahmad, Esq.
Kermani Law Firm
1718 Peachtree St., NW
Suite 489
Atlanta, GA 30309

I also mailed by United States Postal Service the document to the following non-CM/ECF participants: None.

This ____ day of February, 2023.

/s/ Jonathan R. Gibson
JONATHAN R. GIBSON
For the Firm

2402-14626 (JDD)